

COLORADO STATE BOARD OF PHARMACY

January 17, 2013

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Paul Limberis, RPh, at approximately 8:33 a.m. on Thursday, January 17, 2013 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Professions and Occupations Policy Number 80-17.

Board members attending were: Jeannine Dickerhofe, RPh; Heather Hawker, JD; Donald Johnson, RPh; Paul Limberis, RPh; Ginny Orndorff, MBA; Armand Potestio, RPh; and Luis Rivera-Lleras, RPh.

Staff members attending were: Wendy Anderson, RPh, Program Director; Chris Gassen, RPh, Chief Inspector; Mark Kalkis, RPh, Inspector, and Jean Rowcliffe, Complaint and Licensing Specialist. Also present was Jo Kaye, Assistant Attorney General, to advise the Board.

APPROVAL OF THE MINUTES

The Board approved of the minutes from the: November 7, 2012; December 10, 2012; and the December 17, 2012 meetings as amended.

ADDITIONS TO THE AGENDA

Request from Glenn Kruk was place in the Old Business Section

Colorado State Grand Jury Indictment concerning Jeffrey Clawson, RPH 13284, was added into the New Business Section

NABP Compounding update was added into the Miscellaneous Section

REPORTS

President's Remarks

No report was provided.

Program Director's Report

Ms. Anderson introduced Mark Kalkis, RPh, a newly hired Pharmaceutical Inspector, to the Board.

Ms. Anderson discussed the need for a delegate for the NABP Annual Conference in May. She provided the Board members with the dates of the conference and requested they check their calendars.

Ms. Anderson discussed conducting rulemaking hearings in July each year and changing the Annual Planning Meeting to August instead of February in the future. The Board will need to set forth its regulatory agenda prior to October each year in order for the Department to comply with House Bill 12-1008.

Ms. Anderson presented to the Board the Annual Designation of the 2013 Colorado State Board of Pharmacy Meeting Notices. The Board voted unanimously to designate the

reception area of the Division of Professions and Occupations at 1560 Broadway, Ste 1350, Denver, CO 80202 and the Board's website at www.dora.state.co.us/pharmacy for this purpose.

Ms. Anderson presented a proposed amendment to Board Policy 10-6 (Delegation of Authority to Program Director or Section Director) to address the Program Director's handling of both confidential agreements as well as a new Board Policy 40-10 (Confidential Agreements). After careful consideration, the Board voted unanimously to approve of the amendment to Board Policy 10-6 and to adopt Board Policy 40-10 as amended.

Ms. Anderson also presented proposed amendments to Board Policies 10-2 (Disciplinary Actions Taken by other State Boards or Governmental Agencies Against a Lapsed or Inactive Colorado Pharmacist License), 10-8 (Reinstatement of a Suspended License), 20-3 (Administrative Approval of Licenses and Registrations), 20-5 (Referral of Applicants to the Pharmacy Peer Health Assistance Diversion Program), 20-10 (Foreign Pharmacy Graduates), and 40-5 (Remote Order Entry / Review). After careful consideration of the available information, the Board voted unanimously to approve of the amendments to Board Policies 10-2, 10-8, 20-3 and 20-5 as amended as well as to repeal Board Policies 20-10 and 40-5.

Ms. Anderson discussed the Long Term Care Task Force which the Board voted to convene at its November 7, 2012 Rules Hearing. Luis Rivera-Lleras and Jeannine Dickerhofe volunteered to participate in the Task Force. Ms. Anderson provided a framework and plan for the Task Force.

Ms. Anderson discussed the Annual Planning Meeting to be held in February 2013. The following topics will be discussed at the meeting:

- a) Compounding;
- b) Drug Therapy Management;
- c) Practice of Pharmacy issues; and
- d) Substance Abuse Stipulations.

Colorado Pharmacists Society (CPS) – Paul Limberis, RPh

The 2013 CPS Annual Winter Continuing Education (CE) Seminar was held on January 13-16, 2013 at the Vail Cascade Resort in Vail, CO and had a great turnout. The next event the end of May will offer 10 hours of CE.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

Paul Limberis reported that the next meeting is scheduled for February 7, 2013.

Intern & School Relations – Jeannine Dickerhofe, RPh

Dr. Catherine Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, reported that the school has started the new semester smoothly.

There was no report from the Regis University School of Pharmacy.

Legislation - Jeannine Dickerhofe, RPh

Jeannine Dickerhofe provided an update to the Board regarding new legislative bills involving biosimilars substitution, pharmacy audits, and the use of naloxone hydrochloride for opiate related drug overdoses.

Inspectors

Board Policy 30-1 (Electronic Maintenance of Schedule III, IV and V Controlled Substance and Non-Controlled Substance Orders)

Donald Johnson, RPh, recused.

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding research conducted of other states in terms of the number of prescription orders reviewed by pharmacy Board inspectors in other states. The Board noted the information.

InstyMeds at Haxtun Hospital District

The Board reviewed an Agenda Memorandum from Ms. Martin regarding a routine inspection at Haxtun Hospital District.

After careful consideration of the available information, the Board voted unanimously to: (1) issue a Cease and Desist Order against Dr. Joseph Spurlock; (2) refer the matter involving Dr. Spurlock to the Colorado Medical Board for its review; and (3) refer the alleged examples involving the dispensing of a greater than 24-hour supply of medications to registered emergency room patients to the Colorado Department of Public Health and Environment.

Med-Vet International, Unregistered

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Med-Vet International involving a violation of the Cease and Desist Order. The Board voted unanimously to enjoin Med-Vet International in District Court.

Physician Dispensary

The Board reviewed an Agenda Memorandum from Ms. Martin regarding a prescription found during a controlled substance audit of a pharmacy. The prescription was from Panorama Orthopedics & Spine Center, indicating that it was dispensing prescriptions out of its office. After careful consideration of the available information, the Board voted unanimously to issue a Cease and Desist Order to again Panorama Orthopedics & Spine Center for the unlawful practice of pharmacy.

Walgreens Infusion Services, PDO 178

Donald Johnson, RPh, recused.

The Board reviewed an Agenda Memorandum from Ms. Martin regarding a request from Walgreens Infusion Services to maintain computer terminals that are capable of processing orders outside its designated compounding/dispensing area. The Board voted unanimously to deny the request.

Wal-Mart Pharmacy #10-3824, PDO 723

This matter was removed from the agenda.

OLD BUSINESS

Stipulations

Walgreen Pharmacy #5645

Donald Johnson recused.

The Board reviewed an Agenda Memorandum from Inspector Lisa Cornett regarding a request from this pharmacy for the Board to approve its policy and procedure manual addressing the storage of refrigerated drugs when the pharmacy's refrigerator breaks down, pursuant to the Stipulation and Final Agency Order the pharmacy entered into with the Board effective November 19, 2012. After careful consideration of the available information, the Board voted unanimously to not approve of the policy until the Board receives information regarding how the pharmacy will address its records of distribution to another pharmacy.

Glenn Kruk, RPH 12225

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Kruk's request to be allowed to allow the Kansas Peer Health Assistance Diversion Program monitor his case for him while working in Kansas.

The Board voted unanimously voted to allow Kansas Peer Assistance to monitor him for Colorado.

NEW BUSINESS

Complaints

Anderson, Kristen S., RPH 14818 **2012-6171**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Brown's Compounding Center, PDO 589 **2012-6416**

The Board voted unanimously to table further consideration of the matter pending receipt of additional information.

Chinook Medical Gear, Inc., WHI 6038 **2012-6516**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Chrisman, Eric, RPH 15027 **2012-6625**

The Board voted unanimously to dismiss the complaint as being without merit.

Clawson, Jeffrey, RPH 13284 **2013-165**

The Board found that the public health, safety, or welfare imperatively required emergency action and voted unanimously to summarily suspend his pharmacist license.

Cordova, Melanie, RPH 18546 **2012-6405**

The Board voted unanimously to dismiss the complaint as being without merit.

Cornell Prescription Pharmacy, PDO 40 **2012-5922**

Board staff informed the Board that the incident that led to this case is identical in nature to a matter this pharmacy had been disciplined for in the past. The Board voted unanimously to dismiss the complaint as being without merit.

Stanford, Oliver, RPH 14507 **2012-4871**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

The Board also voted unanimously to initiate separate complaints against Cornell Prescription Pharmacy (PDO 40) and its pharmacist manager, Valerie Madison (RPH 15715), for failing to maintain a formulation record for a compounded preparation

DOC Pharmacy, PDO 99-1 **2012-5572**

The Board voted unanimously to dismiss the complaint as being without merit.

Gonzales, Jacob, RPH 16590 **2012-6207**

Donald Johnson, RPh, recused.

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Hensley, Kay, RPH 13425 **2012-6355**

The Board voted unanimously to dismiss the complaint as being without merit.

PetMed Express, Inc, OSP 5087 **2012-5928**

The Board voted unanimously to dismiss the complaint as being without merit.

Pierskalla, Mary, RPH 13348 **2012-6202**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Robbins, Todd B., RPH 15952

2012-6310

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Walgreen Pharmacy #4596, PDO 24-77

2012-6008

Donald Johnson, RPh, recused.

The Board voted unanimously to dismiss the complaint as being without merit.

Walgreen Pharmacy #5645, PDO 82-8

2012-5924

Donald Johnson, RPh, recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Walgreen Pharmacy #6514, PDO 19-44

2012-6585

Donald Johnson, RPh, recused.

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Spears, Amy, RPH 17847

2012-6376

Donald Johnson, RPh, recused.

The Board voted unanimously to dismiss the complaint as being without merit.

LICENSING/REGISTRATION

Finn, Roxanne, Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Jean Rowcliffe regarding Ms. Finn's application for a Pharmacy Intern. After careful consideration of the available information, the Board voted unanimously to approve the application.

Fossenier, Sheila, Pharmacist Reinstatement Applicant

The Board reviewed an Agenda Memorandum from Ms. Cornett regarding Ms. Fossenier's pharmacist reinstatement application. After careful consideration of the available information, the Board voted unanimously to table further consideration of this matter pending receipt of additional information.

Gomes, Matthew, Pharmacist Applicant

The Board reviewed an Agenda Memorandum from Ms. Rowcliffe regarding Mr. Gomes application for a Pharmacist. After careful consideration of the available information, the Board voted unanimously to approve the application.

MISCELLANEOUS

Correspondence, etc.

American Academy of Ophthalmology

The Board voted unanimously to refer this matter for consideration at its annual planning meeting on February 21, 2013.

B&B Pharmaceuticals, Inc. WHI 6002 and MFR 1004

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a Cease and Desist order issued by the Rhode Island Pharmacy Board. The Board voted unanimously to initiate a case against B&B Pharmaceuticals' in-state prescription drug wholesaler and manufacturer registrations

Board of Pharmacy Specialties (BPS) recognition in Board Rules

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request from the Board of Pharmacy Specialties for recognition in Board Rule 12.00.00 as an alternative means to become a nuclear pharmacist. After careful consideration of the available information, the Board voted unanimously to deny request, as their requirements match what is already in the rules.

Colorado Department of Human Services, Office of Behavioral Health Electronic Prescription Drug Monitoring Program Controlled Substance Monitoring Agreement

The Board reviewed an Agenda Memorandum from Tia Johnson, from the Colorado Department of Human Services, Division of Behavioral Health requesting a new contract to request information from the PDMP since their contract has expired. The voted unanimously to approve a two year contract.

Correspondence from National Association of Boards of Pharmacy dated 01/03/13

The Board will review this article regarding compounded drugs produced by compounding pharmacies more in depth at their February planning meeting.

Craig Hospital Pharmacy – Declaratory Order Petition

The Board reviewed a request from Craig Hospital Pharmacy for a Declaratory Order regarding reporting controlled substance dispensing transactions to the Prescription Drug

Monitoring Program when the dispensing is part of an investigational study The Board unanimously voted to table the matter pending receipt of a legal opinion from its Counsel.

FDA Intergovernmental Meeting on December 19 – NABP Comments

The Board will review this report regarding compounding more in depth at their February planning meeting.

Federal Register, Vol 77, No. 246, Part V

The Board reviewed the Drug Enforcement Administration (DEA) notice for proposed rules on Disposal of Controlled Substances. The Board voted to send a letter supporting the proposed rules.

Global Collaboration - NABP

The Board noted the information.

Licensee's Failure to Report Discipline in Another state

The Board reviewed a Memorandum from Mr. Gassen regarding a licensee's failure to report to the Board disciplinary action received in another state. The Board voted unanimously to initiate a case against Robert Blanford (RPH 14354), and to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

NABP and Compounding

The Board will review this report regarding compounding more in depth at their February planning meeting.

Peer Assistance Request for Permission to Submit an Article for Publication

The Board reviewed the request from Peer Assistance for permission to submit an article for publication. The Board approved the request.

Proposed Policy for Remote Pharmacy Practice under Board Rule 26.00.00

The Board reviewed the proposed policies from Aspen Valley Hospital Pharmacy, Grand River Hospital and Medical Center, Gunnison Valley Hospital, Platte Valley Medical Center, and Vail Valley Medical Center following Rule 26.00.00. The Board voted unanimously to approve all requests submitted.

The Board also requested that staff develop both a template for submitted and policies addressing remote pharmacy practice for consideration at a future meeting.

Request to Report to the Prescription Drug Monitoring Program

The Board reviewed a request from Indian Health Service requesting access to the Prescription Drug Monitoring Program (PDMP). The Board voted unanimously to deny the request.

Shining Light on the “Gray Market”

The Board noted the information.

EXECUTIVE SESSION

At 12:44 p.m., Board President Paul Limberis, R.Ph. moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with six votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 1:18 p.m.

Open Session

Case 2006-2629

This matter was removed from the agenda.

CASE 2012-4344

Donald Johnson, RPh, recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2012-4541

The Board voted unanimously to rescind its previous referral of this case for discipline and to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2012-6265

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2012-6357

Donald Johnson, RPh, recused.

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

ADJOURNMENT

The Board adjourned at 1:23 p.m.

Approved by Paul Limberis, R.Ph., President Date: March 21, 2013